

**RECEIVED FOR SCANNING  
VENTURA SUPERIOR COURT**

<b>STATE OF CALIFORNIA</b> <b>Department of Industrial Relations</b> <b>Labor Commissioner's Office</b> 411 E Canon Perdido Room 3 Santa Barbara, CA 93101 Email: laborcomm.wca.sba@dir.ca.gov Tel.: (805) 568-1222 Fax: (805) 834-0123		<b>OCT 09 2020</b>  <b>FOR COURT USE ONLY</b>	
SUPERIOR COURT OF THE STATE OF CALIFORNIA Ventura County Superior Court,  County of Ventura		<b>COURT NUMBER</b>	
<b>PLAINTIFF:</b> Michael Signaigo			
<b>DEFENDANTS:</b> Platinum Farm Services LLC, a California Limited Liability Company		<b>COURT NUMBER</b>	
<b>State Case Number</b>  WC-CM-661382			
<b>REQUEST THAT CLERK ENTER JUDGMENT AND JUDGMENT ON FINAL ORDER, DECISION OR AWARD OF THE LABOR COMMISSIONER</b>			
<b>REQUEST THAT CLERK ENTER JUDGMENT</b>			
The Order, Decision or Award of the Labor Commissioner has become final and the clerk is requested to enter judgment immediately in conformity with the accompanying certified copy.			
LABOR COMMISSIONER, STATE OF CALIFORNIA			
DATED: October 6, 2020		BY <u>Erika D. Miller</u> Erika Miller Hearing Officer	
<b>JUDGMENT</b>			
A certified copy of a final Order, Decision or Award of the Labor Commissioner has been filed with this court. Judgment therefore is entered as follows:			
1	\$14,400.00	for wages, expenses, sick leave and/or liquidated damages pursuant to Labor Code Section(s) 98.1, 248.5(f), 1194.2 and/or 2802;	
2	\$2,004.16	interest pursuant to Labor Code Section(s) 98.1(c), 248.5(f), 1194.2 and/or 2802(b);	
3	\$11,760.00	for penalties pursuant to Labor Code Section(s) 203, 203.1, 210, 226(f), and/or 1198.5(k), and/or 1695(a)(5);	
4		other (the non-interest other i.e. tips)	
5	\$28,164.16	Total Amount of Plaintiff's Award	
6	\$706.19	For post hearing interest pursuant to Labor Code Section(s) 98.1(c), 248.5(f), 1194.2 and/or 2802(b).	
7	\$435.00	For filing fee, pursuant to Labor Code Section 101, et. Seq.	
8	\$29,305.35	<b>Total Amount of Judgment</b>	
I certify this to be a true copy of the judgment entered on _____; in Judgment book _____ at page _____ or microfilm, pursuant to CCP 668.5. <div style="display: flex; justify-content: space-between;"> <span>Clerk, by _____</span> <span>, Deputy Clerk</span> </div>			

<b>STATE OF CALIFORNIA</b> <b>Department of Industrial Relations</b> <b>Labor Commissioner's Office</b> 411 E Canon Perdido, Room 3 Santa Barbara, CA 93101 Email: laborcomm.wca.sba@dir.ca.gov Fax: (805) 834-0123		For Court Use Only:
Plaintiff: Michael Signaigo, an Individual		Court Number:
Defendant: Platinum Farm Services LLC, a California Limited Liability Company		
Case No.: WC-CM-661382	<b>ORDER, DECISION OR AWARD OF THE LABOR COMMISSIONER</b>	

1. The above-entitled matter came on for hearing before the Labor Commissioner of the State of California as follows:  
**DATE: September 23, 2019**                      **CITY: 411 E Canon Perdido, Room 3, Santa Barbara, CA 93101**

2. IT IS ORDERED THAT: Plaintiff recover from Defendant:

	Balance Due to Employee(s)	Interest Balance Due	Line Total
REGULAR WAGES	\$11,760.00	\$1,636.73	\$13,396.73
LIQUIDATED DAMAGES	\$2,640.00	\$367.43	\$3,007.43
WAITING TIME PENALTIES	\$11,760.00	\$0.00	\$11,760.00
<b>Totals</b>	<b>\$26,160.00</b>	<b>\$2,004.16</b>	<b>\$28,164.16</b>

3. The herein Order, Decision or Award is based upon the Findings of Fact, Legal Analysis and Conclusions attached hereto and incorporated herein by reference.
4. The parties herein are notified and advised that this Order, Decision or Award of the Labor Commissioner shall become final and enforceable as a judgment in a court of law unless either or both parties exercise their right to appeal to the appropriate court\* within ten (10) days of service of this document. Service of this document can be accomplished either by first class mail or by personal delivery and is effective upon mailing or at the time of personal delivery. If service on the parties is made by mail, the ten (10) day appeal period shall be extended by five (5) days. For parties served outside of California, the period of extension is longer (See Code of Civil Procedure Section 1013). In case of appeal, the necessary filing fee must be paid by the appellant and appellant must, immediately upon filing an appeal with the appropriate court, serve a copy of the appeal request upon the Labor Commissioner. If an appeal is filed by a corporation, a non-lawyer agent of the corporation may file the Notice of Appeal with the appropriate court, but the corporation must be represented in any subsequent trial by an attorney, licensed to practice in the State of California. Labor Code Section 98.2(c) provides that if the party seeking review by filing an appeal to the court is unsuccessful in such appeal, the court shall determine the costs and reasonable attorney's fees incurred by the other party to the appeal and assess such amount as a cost upon the party filing the appeal. An employee is successful if the court awards an amount greater than zero. **PLEASE TAKE NOTICE:** Labor Code Section 98.2(b) requires that as a condition to filing an appeal of an Order, Decision or Award of the Labor Commissioner, the employer shall first post a bond or undertaking with the court in the amount of the ODA; and the employer shall provide written notice to the other parties and the Labor Commissioner of the posting of the undertaking. Labor Code Section 98.2(b) also requires the undertaking contain other specific conditions for distribution under the bond. While this claim is before the Labor Commissioner, you are required to notify the Labor Commissioner *in writing* of any changes in your business or personal address within 10 days after change occurs.

Notice Date: April 10, 2020

By Erika D. Miller  
 Erika Miller, Hearing Officer

\*Ventura County Superior Court  
 800 South Victoria Avenue  
 Ventura, CA 93009

I HEREBY CERTIFY THAT THE HEREIN DOCUMENT  
 IS A FULL, TRUE, AND CORRECT COPY  
 OF THE ORIGINAL DOCUMENT CONTAINED IN  
 THE FILE OF THE LABOR COMMISSIONER  
 SERVED ON THE PARTIES HEREIN.

EXECUTED ON THE 10th  
 DAY OF October, 2020  
 AT Santa Barbara, CA  
 BY Erika D. Miller  
 DEPUTY

BEFORE THE LABOR COMMISSIONER  
OF THE STATE OF CALIFORNIA

MICHAEL SIGNAIGO, AN INDIVIDUAL

CM-661382

Plaintiff,

vs.

ORDER, DECISION, OR AWARD  
OF THE LABOR COMMISSIONER

PLATINUM FARM SERVICES LLC,  
a California limited liability company

Defendant.

BACKGROUND

MICHAEL SIGNAIGO, (hereinafter "Plaintiff"), filed an initial claim with the Labor Commissioner's office on January 28, 2019. Plaintiff's complaint alleges he is due:

1. \$11,760.00 in regular wages earned from October 8, 2018 to November 16, 2018.
2. Liquidated damages pursuant to Labor Code section 1194.2.
3. Waiting time penalties pursuant to Labor Code section 203.

The undersigned hearing officer designated by the Labor Commissioner conducted a hearing in Santa Barbara, California on September 23, 2019. The Plaintiff's Complaint is one of two Complaints that were scheduled for hearing and heard against the Defendant on this date. Each Plaintiff was examined individually as each Complaint is considered a separate proceeding with its own individual Order, Decision or Award (ODA) to be issued after

1 consideration of the applicable facts. However, inasmuch as there were issues and evidence  
2 common to the respective arguments and position of the Plaintiffs, the hearing officer is to  
3 consider applying such common evidence amongst each Complaint.  
4

5 Plaintiff appeared in pro per. PLATINUM FARM SERVICES LLC, (hereinafter,  
6 "Defendant") failed to appear or file an Answer. Defendant, DAVID NINO, an individual  
7 was not properly served with a notice to appear. As such, Defendant, DAVID NINO, an  
8 individual is removed as a named Defendant and any findings made to pursuant to the  
9 Order Decision or Award of the Labor Commission will apply solely to the Defendant,  
10 PLATINUM FARM SERVICES LLC, a California limited liability company. Due  
11 consideration having been given to the testimony, documentary evidence, and arguments  
12 presented, the Labor Commissioner hereby adopts the following Order, Decision or Award.  
13  
14

#### 15 FINDINGS OF FACT

16

17 Defendant operates an agricultural company in the County of Ventura, California,  
18 where Plaintiff was employed under a written agreement to perform duties as the director  
19 of operations beginning August 20, 2018. Plaintiff earned \$49.00 per hour and was initially  
20 paid weekly. Plaintiff was subsequently paid every two weeks. Plaintiff typically worked  
21 eight hours per day, five days a week. Plaintiff quit his employment without notice on  
22 November 16, 2018.  
23  
24

25 Plaintiff testified David Nino (Nino), president, hired him. Plaintiff testified he was  
26 originally hired through a staffing agency ASP effective August 20, 2018. Plaintiff testified  
27 that beginning September 19, 2018 his agreement with ASP dissolved and Nino hired him

1 directly effective September 19, 2018. Under the new arrangement, Plaintiff received a single  
2 payment from Defendant on October 8, 2018 representing work performed from September  
3 19, 2018 to October 6, 2018. Plaintiff testified he is owed wages for work performed from  
4 October 8, 2018 to November 16, 2018. Plaintiff testified he made multiple demands for  
5 payment and was repeatedly told by Nino that funds were on the way and to wait for funds  
6 to be available.  
7

8 Plaintiff testified that he believes the business was allegedly operating a farm in  
9 Fresno, California where the Defendant grew almonds and raisins. Plaintiff testified that he  
10 worked from home, where he was responsible for setting up insurance policies and  
11 submitting all required documentation. Plaintiff was responsible for procuring vehicles to  
12 transport product, setting up a barcode inventory system to manage fruit and produce,  
13 setting up a UPC code system, setting up a packaging system and procuring equipment.  
14 Plaintiff testified that the majority of his work consisted of phone calls and emails. Plaintiff  
15 testified that he did not keep a log of the hours worked, but submitted emails to support  
16 that he was working during his claim period.  
17

18  
19 Plaintiff submitted the following Exhibits:

20 Plaintiff Exhibit 1- Copy of wage statements and direct deposit forms,  
21

22 Plaintiff Exhibit 2-Statement of Work, Notice to the employee, Tax Forms I9, and W-4, Copy  
23 of Photo ID, and Social Security card,

24 Plaintiff Exhibit 3-Text and email communications, and

25 Plaintiff Exhibit 4-Organizational chart, various court cases against the Defendant.  
26  
27

1 Despite being properly served with the Notice of Hearing in this matter, Defendant  
2 PLATINUM FARM SERVICES LLC, a California limited liability company failed to attend  
3 the scheduled hearing, and did not file an Answer to Plaintiff's Complaint. Therefore, there  
4 is no evidence before the Labor Commissioner from Defendant that would disprove or  
5 mitigate Plaintiff's Complaint.  
6

#### 7 LEGAL ANALYSIS

8

9 At all times while employed by the Defendant, the Plaintiff was an employee whose  
10 wages, hours and working conditions were governed by The Industrial Welfare  
11 Commission Order Number 4-2001, (Order) regulating wages, hours and working  
12 conditions in the Professional, Technical, Clerical, Mechanical and Similar Occupations and  
13 by provisions of the California Labor code. Plaintiff has the burden of proving every  
14 element of his/her case by a preponderance of the evidence (Evidence Code §500).  
15  
16

17 Subsection 7 of the Order requires an employer to keep accurate time records for each  
18 employee showing actual in-out time, meal periods, total daily hours worked and total  
19 hours worked in each pay period. When an employer fails to keep and/or submit the proper  
20 records, the employee's own records, reconstruction or testimony from his/her present  
21 memory may be sufficient to establish the hours worked (emphasis added) (*Hernandez v.*  
22 *Mendoza* (1988) 199 Cal.App. 3d Supp.1).  
23  
24  
25  
26  
27

1       Plaintiff's testimony is found to be credible and is un-refuted by the Defendant.  
2       Therefore, the Plaintiff is awarded \$11,760.00 in unpaid wages representing 240<sup>1</sup> hours at  
3       the rate of \$49.00 per hour.

4  
5       Labor Code section 1194.2 provides in relevant part that "...an employee shall be  
6       entitled to recover liquidated damages in an amount to equal the wages unlawfully unpaid  
7       and interest thereon..." Liquidated damages compensate employees for losses sustained  
8       as a result of not receiving at least minimum wage for all hours worked.

9  
10       In the instant matter, the Plaintiff established that he worked 240 hours during the  
11       period of October 8, 2018 to November 16, 2018 and he was not paid the minimum wage in  
12       effect of \$11.00 per hour. Therefore, the Plaintiff is entitled to receive \$2,640.00<sup>2</sup> in liquidated  
13       damages.

14  
15       Numerous California courts have recognized that wages are not ordinary debts and  
16       that prompt payment of wages upon termination is a fundamental public policy (*Gould v.*  
17       *Maryland Sound Industries* (1995) 31 Cal.App. 1147).

18  
19       Labor Code Section 202 provides in relevant part "If an employee quits his or her  
20       employment, his or her wages shall become due and payable not later than 72 hours  
21       thereafter, unless the employee has given 72 hours previous notice of his or her intention  
22       to quit, in which case the employee is entitled to his or her wage at the time of quitting."  
23  
24  
25  
26

27  

---

<sup>1</sup> 6 weeks X 40 hours per week = 240 hours.

<sup>2</sup> 240 hours x \$11.00 per hour = \$2,640.00

1 As used in section 203, "willful" merely means that the employer failed to perform an  
2 act which the law requires (*Davis v. Morris* (1940) 37 Cal.App.2d 269). An employer may act  
3 "willfully," within the meaning of section 203, even when the employer's failure to pay  
4 stems from a sincerely held belief that payment was not required.  
5

6 It is undisputed that the Plaintiff quit his employment on November 16, 2018 and the  
7 Plaintiff remains unpaid. Therefore, the Plaintiff is entitled to receive \$11,760.00 in waiting  
8 time penalties, pursuant to Labor Code section 203, consisting of \$392.00 per day for thirty  
9 days.<sup>3</sup>  
10

11 Labor Code sections 98.1(c) and 1194.2 provide that all awards granted pursuant to  
12 this hearing shall accrue interest on all due and unpaid wages and liquidated damages from  
13 the date that said amounts became due until the amounts are paid. Therefore, the Plaintiff  
14 is entitled to \$2,004.16 in interest accrued to date on the amount due.  
15  
16

### 17 CONCLUSIONS

18 For all of the reasons set forth above, IT IS HEREBY ORDERED that:

- 19 1. Plaintiff is entitled to receive \$11,760.00 in unpaid wages.
- 20 2. Plaintiff is entitled to receive \$2,640.00 in liquidated damages.
- 21 3. Interest in the amount of \$2,004.16 has accrued on the unpaid wages,  
22 pursuant to Labor Codes Sections 98.1(c) and 1194.2.  
23
- 24 4. Plaintiff is entitled to receive \$11,760.00 in waiting time penalties.  
25  
26  
27

---

<sup>3</sup> Daily rate based 8 regular hours X \$49.00 per hour = \$392.00



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

Dated: April 10, 2020

*Erika D. Miller*  
Erika Miller, Hearing Officer

**STATE OF CALIFORNIA**  
**Department of Industrial Relations**  
**Labor Commissioner's Office**  
411 E Canon Perdido, Room 3  
Santa Barbara, CA 93101  
Email: laborcomm.wca.sba@dir.ca.gov  
Fax: (805) 834-0123



**PLAINTIFF:**  
**Michael Signaigo**

**DEFENDANT:**  
**Platinum Farm Services LLC, a California Limited Liability Company**  
620 NEWPORT CENTER DR STE 1100  
NEWPORT BEACH, CA 92660  
**David Nino, an Individual**  
620 NEWPORT CENTER DR STE 1100  
NEWPORT BEACH, CA 92660

**State Case Number**  
**WC-CM-661382**

**NOTICE OF PAYMENT DUE**

You have been served a copy of the Labor Commissioner's Order, Decision or Award.

If the full amount of the sums set forth the Order, Decision or Award is received by this office within ten (10) days of the date the Order, Decision or Award was served upon you, no judgment will be entered in this matter.

**Payment must be made by certified check, cashier's check or money order (no other tender will be accepted) made payable to the Plaintiff named in the Order, Decision or Award, and addressed to the Office of the Labor Commissioner at the address shown above.**

If payment is not received, a certificate of lien will be filed with the county recorder/clerk's office, in addition to a judgment with the superior court.

NOTICE DATE: April 27, 2020

Abraham Fragoso-Grill  
Industrial Relations Representative  
(805) 568-1237

State of California  
Department of Industrial Relations  
DIVISION OF LABOR STANDARDS ENFORCEMENT

**CERTIFICATION OF SERVICE BY MAIL  
(C.C.P. 1013A) OR CERTIFIED MAIL**

I, Sean Doan, do hereby certify that I am a resident of or employed in the County of Santa Barbara, over 18 years of age, not a party to the within action, and that I am employed at and my business address is:

**LABOR COMMISSIONER, STATE OF CALIFORNIA**  
411 E Canon Perdido Room 3  
Santa Barbara, CA 93101  
Tel: (805) 568-1222 Fax: (805) 834-0123

I am readily familiar with the business practice of my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 24, 2020, at my place of business, a copy of the following document(s):

**Order, Decision or Award**

was(were) placed for deposit in the United States Postal Service in a sealed envelope, by First Class with postage fully prepaid, addressed to:

NOTICE TO:

**Michael Signaigo, an Individual**

	<b>Service Address</b>	<b>Additional Service Address(es)</b>
Platinum Farm Services LLC, a California Limited Liability Company	620 NEWPORT CENTER DR STE 1100 NEWPORT BEACH, CA 92660	
David Nino, an Individual	620 NEWPORT CENTER DR STE 1100 NEWPORT BEACH, CA 92660	
Christopher Hellmich, Agent of Service for Platinum Farm Services LLC, a California Limited Liability Company	620 NEWPORT CENTER DR STE 1100 NEWPORT BEACH, CA 92660	

and that envelope was placed for collection and mailing on that date following ordinary business

practices.

*I certify under penalty of perjury that the foregoing is true and correct.*

Executed on April 24, 2020, at Santa Barbara, California.

STATE CASE NUMBER: WC-CM-661382

/s/ Sean Doan

**Michael Signaigo, an Individual**  
**2928 ROYAL AVE**  
**SIMI VALLEY, CA 93065**

**STATE CASE NUMBER: WC-CM-661382**

**Platinum Farm Services LLC, a California Limited  
Liability Company  
620 NEWPORT CENTER DR STE 1100  
NEWPORT BEACH, CA 92660**

**STATE CASE NUMBER: WC-CM-661382**

**David Nino, an Individual**  
**620 NEWPORT CENTER DR STE 1100**  
**NEWPORT BEACH, CA 92660**

**STATE CASE NUMBER: WC-CM-661382**

**Christopher Hellmich, Agent of Service for Platinum  
Farm Services LLC, a California Limited Liability  
Company  
620 NEWPORT CENTER DR STE 1100  
NEWPORT BEACH, CA 92660**

**STATE CASE NUMBER: WC-CM-661382**